

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.585 of 2019

Arising Out of PS. Case No.-780 Year-2018 Thana- SHEKHPURA District- Sheikhpura

1. The Regional Manager, State Bank of India, Regional Business Office, Biharsharif Main Branch Building, P.S. and Town - Biharsharif, District- Nalanda -803101 through Bishwajeet
2. The Chairman, SBI, Head Office, State Bank Bhawan 16th Floor, Madam Gama Road, P.S.- Marin Drive Mumbai-400021 through Rajnish Kumar

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Home Secretary, Old Secretariat, Patna Patna -800001
2. The Chief Manager, LIC of India, Lakhisarai Branch, P.O. and P.S. - Town and District - Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Chitranjan Sinha, Sr. Advocate Mr.Binod Bihari Sinha
For the respondent no. 2	:	Mr.Ajay Kumar
For the Respondent/s	:	Mr.Deepak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 28-02-2023 This application has been filed for quashing of the FIR registered as Sheikhpura PS Case No. 780 of 2018 on 06.12.2018 under Sections 406, 420 and 409 of the Indian Penal Code on the basis of written information received from Shri Gonaur Ram, Chief Manager, LIC of India, Lakhisarai against the Chairman, State Bank of India and Ors.

In brief the prosecution story according to the written report of one Gonaur Ram, Chief Manager, LIC of India, Lakhisarai is as follows:-

(a) That the informant has given written complaint to



the concerned police that five cheques have been issued to the respective policy holders and sent the respective cheques through registered post to them but these cheques have not been received to their end and on inquiry, it has come to the knowledge that these cheques have been encashed to the different branches of the State Bank of India and it has also been alleged that amount of cheques have also been misappropriated.

(b) That it is further requested by the informant to recove the entire amount of Rs. 4,50,681/- (Four lacs fifty thousand six hundred eighty one) by instituting an FIR.

The present case is predominantly a civil case arising out of commercial transaction and parties have resolved their entire disputes among themselves and to this regard a supplementary affidavit has been filed on behalf of respondent no. 2 duly sworn by Administrative Officer (L&HPF) in the Divisional Office of respondent no. 2 wherein in para 3 it is stated that the grievances of the respondent/LIC has already been redressed by the appellant State Bank of India and as such the aforesaid criminal writ petition is fit to be disposed of. Now there is no any disputes in between the parties vide Annexure-A to this supplementary affidavit.

In the case of *Narinder Singh and Ors. vs. State of*



Punjab and Anr. reported in 2014 (4) SCALE 195, the two-Judge Bench laid down certain guidelines by which the High Courts would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of Criminal Procedure Code while accepting the settlement, quashing the proceeding or refusing to accept the settlement. Some of the guidelines which are relevant for the present purpose are reproduced below:-

(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

(III) Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the



Prevention of Corruption Act or the offences committed by Public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(IV) On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

Considering the nature of dispute and the fact that grievances of the informant has already been redressed, as such continuation of proceeding would be abuse of the process of law, hence, FIR bearing Sheikhpura PS Case No. 780 of 2018 is hereby quashed.

Accordingly, this criminal writ petition stands



allowed.

(Prabhat Kumar Singh, J)

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